

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

MARSHA ROBYN WALLEN, *et al.*,

Plaintiffs,

v.

**ST. LOUIS METROPOLITAN TAXICAB
COMMISSION, *et al.*,**

Defendants.

Case No. 4:15-cv-1432-HEA

MOTION FOR CONTINUANCE OF ORAL ARGUMENTS

COME NOW Uber USA, LLC and Raiser LLC (collectively “Uber”) and move to continue the oral argument date in this case from November 19, 2015, to a date at or near the Rule 16 conference already established by the Court on December 9, 2015. In support of the motion, movants state:

1. On November 10, 2015, this Court granted Defendants’ Motion for Oral Argument and set the case for argument on November 19, 2015. The motion set for hearing was Defendants’ Motion to Dismiss. (Dkt # 45 and 46). The Court also set for hearing at the same time the Defendants Motion to Dismiss and Plaintiff’s Motion to Remand in *St. Louis Metropolitan Taxicab Commission v. Uber, Inc. et al.* (Dkt # 15 and 16; 6 and 7). In addition, on that same date the Court set the Rule 16 conference for December 9, 2015 in both cases at 10:30 AM and 10:45 AM respectfully.

2. One of the motions set for hearing on November 19, 2015 is Defendants’ Motion to Dismiss in *St. Louis Metropolitan Taxicab Commission v. Uber, Inc. et al.*, where the reply

brief is not due until November 27, 2015. (Dkt # 15 and 16). Thus, under the current schedule, the hearing is scheduled to take place before a reply brief is filed.

3. In addition, undersigned counsel was previously set for hearing in the United States District Court for the District of Massachusetts on November 19, 2015. While the Uber-related parties have counsel who can present argument, undersigned counsel would appreciate the opportunity to appear at this Court's hearing as well.

4. All parties have indicated that they are available for hearing either at or near in time to the previously scheduled Rule 16 Conference.

5. The only parties in either case to object to this requested continuance are the Missouri Taxi Commission and its individual members, who object on the basis that the continuance would be a delay of proceedings. However, movants submit that the Court's briefing schedule as it currently exists extends beyond the current hearing date and respectfully submit that a continuance of the hearing date to a date after the motions will be fully briefed and to a date already selected by the Court for the Rule 16 conference would not delay the overall disposition of the case.

For the foregoing reasons, Uber requests that the Court grant its' request to continue the oral argument date.

Dated: November 13, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 13, 2015, a true and accurate copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's ECF system to counsel for all parties indicated on the electronic filing receipt.

/s/ James F. Bennett